

Hearing Officer Transmittal Checklist

Hearing Date
12/16/2014
Agenda Item No.
5

Project Number: R2014-00024-(3)
Case(s): Oak Tree Permit Case No. 201400001
Environmental Assessment Case No. 201400001
Planner: Shaun Temple

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Oak Tree Report
- Forester & Fire Warden's Letter

Reviewed By: 



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER

R2014-00024-(3)

HEARING DATE

December 16, 2014

REQUESTED ENTITLEMENTS

Oak Tree Permit No. ROAK201400001
 Environmental Assessment No. R201400001

PROJECT SUMMARY

OWNER / APPLICANT

Doug & Brooke Freund

MAP/EXHIBIT DATE

October 28, 2014

PROJECT OVERVIEW

The applicant requests an Oak Tree Permit to authorize the removal of one oak tree and the encroachment into the protected zone of two other oaks trees in conjunction with a proposed 170SF addition to an existing single family residence, a proposed 226SF entry porch, a proposed 165SF main level deck, and an 814SF interior remodel. The proposed addition to the residence is to reframe the existing roof, adding a dormer, and to remodel the existing attic into habitable space. The height of the building will not increase. The oak tree proposed for removal leans over the existing residence and the canopy is unbalanced with all of the foliage concentrated at the top of the tree. According to the arborist report, the tree will continue to grow to the west over the residence, requiring continual pruning to maintain clearance over the roof and poses a long term threat of failure onto the structure. If the project is approved, two mitigation trees will be planted on the property as depicted on the site plan to replace the one oak tree removed.

LOCATION

21590 Encina Road, Topanga

ACCESS

Encina Road

ASSESSORS PARCEL NUMBER(S)

4445-013-035

SITE AREA

14,010 square feet

GENERAL PLAN / LOCAL PLAN

Santa Monica Mountains Land Use Plan

ZONED DISTRICT

Malibu

LAND USE DESIGNATION

Rv – Rural Village

ZONE

R-C-20,000 Rural-Coastal (1du/20,000sf)

PROPOSED UNITS

None

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 4 Categorical Exemption – Minor Alterations to Land

KEY ISSUES

- Consistency with the Los Angeles County General Plan and the Santa Monica Mountains Land Use Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.20.105, et seq. (Development Standards for Single-Family Residences)
 - 22.44.820 (Exemptions & Categorical Exclusions – Santa Monica Mountains Local Implementation Program)
 - 22.56, Part 16 (Oak Tree Permits)

CASE PLANNER:

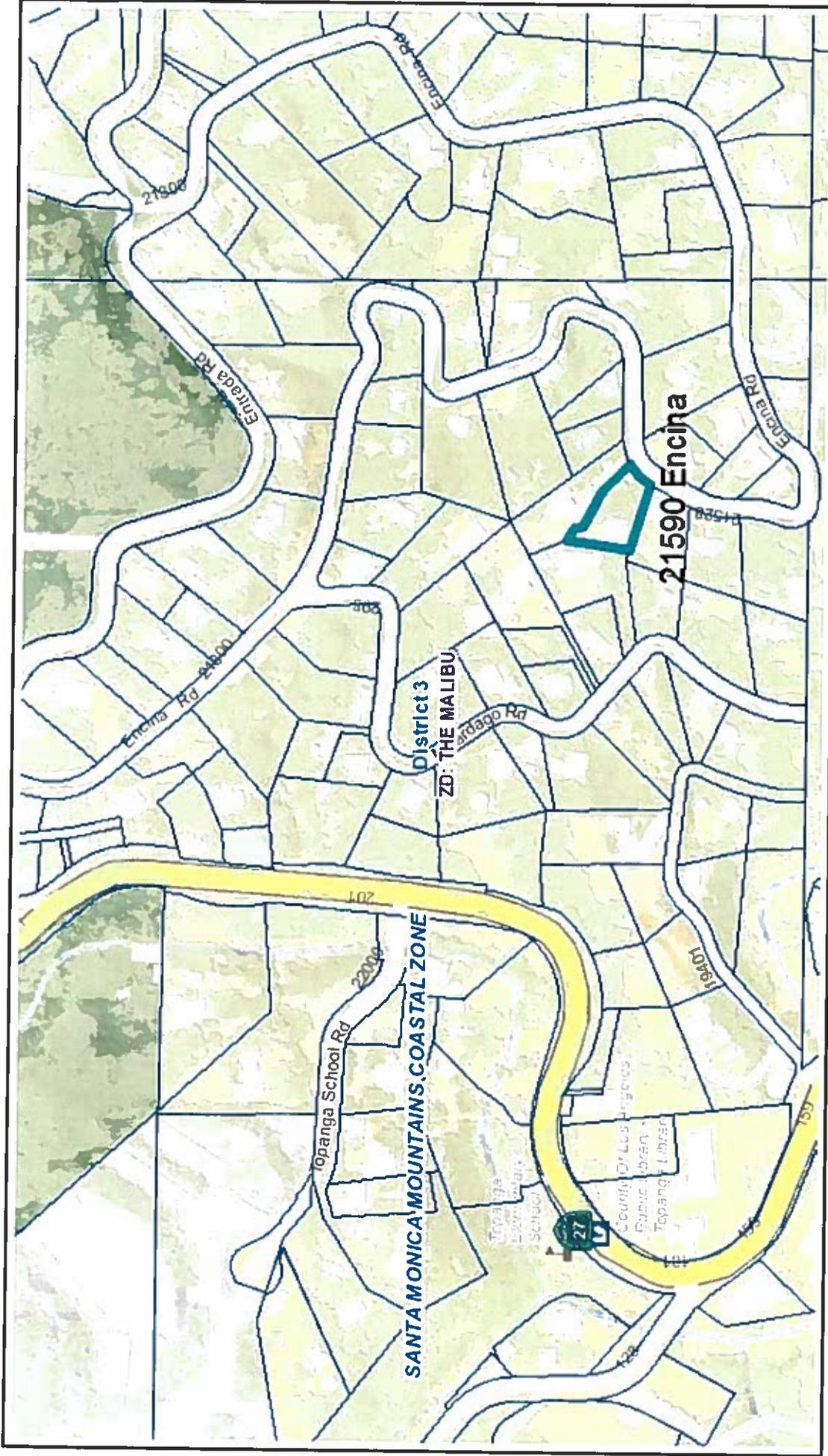
Shaun Temple

PHONE NUMBER:

(213) 974 - 6462

E-MAIL ADDRESS:

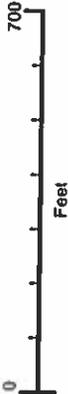
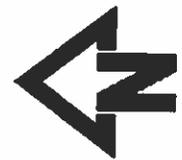
stemple@planning.lacounty.gov



21590 Encina Road Property Location Map

Printed: Nov 24, 2014

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ENTITLEMENTS REQUESTED

- Oak Tree Permit to authorize the removal of one oak tree and the encroachment into the protected zone of two other oak trees in conjunction with improvements to an existing single-family residence pursuant to County Code Section 22.56.2060.
- Site Plan Review for improvements to an existing single-family residence in the Rural Coastal Zone pursuant to Santa Monica Mountains Local Implementation Program (SMMLIP), County Code Section 22.44.820.

PROJECT DESCRIPTION

The subject property is located in the Santa Monica Mountains Coastal Zone and is subject to the Santa Monica Mountains Local Implementation Program (LIP). However, per the LIP, improvements to a legally established single-family residence are exempt from the provisions of the LIP, but still must comply with the rest of Title 22. As such, a Coastal Development Permit (CDP) is not required and the improvements can be processed through a Site Plan Review and any impacts to oak trees would be processed through Part 16 (Oak Tree Permits) of chapter 22.56 of the Zoning Code and not through the LIP Coastal Development Permit-Oak Tree requirements.

The applicant is proposing to remodel an existing 2,310SF single-family residence, primarily through an 814SF interior remodel, but also to include a 170SF addition in the form of reframing the existing east-side roof by raising its pitch, adding a dormer, and remodeling the existing attic below it into habitable space. The height of the house would not increase. The project also includes the addition of a 165SF main level deck and a 226SF entry porch.

The project work will encroach into the protected zone of three oak trees. The applicant proposes to remove one of the oak trees and to leave the other two impacted oaks remaining. The oak tree proposed for removal leans over the existing residence and the canopy is unbalanced with all of the foliage concentrated at the top of the tree. According to the arborist report, the tree will continue to grow to the west over the residence, requiring continual pruning to maintain clearance over the roof and poses a long term threat of failure onto the structure. If the removal is approved, two mitigation trees will be planted on the property as depicted on the site plan to replace the one oak tree removed.

The approval requested from the Hearing Officer is for the Oak Tree Permit for the removal of one oak and the encroachment into the protected zone of two other oak trees. The improvements to the single-family residences will be approved through a ministerial site plan review.

The project is located in the Fernwood Rural Village of the Topanga community in the Santa Monica Mountains Coastal Zone and is exempted from the Santa Monica Mountains Local Implementation Program.

EXISTING ZONING

The subject property is located in the Santa Monica Mountains Coastal Zone. The Santa Monica Mountains Local Coastal Program (SMMLCP), which was adopted by the Los Angeles County Board of Supervisors on August 26, 2014 and certified by the California Coastal Commission on October 10, 2014, created a new zoning overlay for the Santa Monica Mountains Coastal Zone. The subject property is now zoned R-C-20000 (Rural Coastal, 1du/20,000SF). Surrounding properties are also zoned R-C-20000 in all directions

EXISTING LAND USES

The subject property is developed with a single-family residence and surrounding properties are developed with single-family residences in all directions.

PREVIOUS CASES/ZONING HISTORY

- 1977, The original building permit for the construction of the single-family residence was finalized
- 1982, a Lot Line Adjustment was approved for the property.
- 2002, Plot Plan 47798 gave County Approval in Concept for a 123SF addition to the house.
- 2007, Zoning Conformance Review 2007-01904 approved a new swimming pool, spa, and pool equipment area.
- 2012, an emergency oak tree permit was issued by the Forestry Division for weight reduction and pruning for four of the oak trees on the property.
- 2014, the Santa Monica Mountain Local Coastal Program was adopted by the Los Angeles County Board of Supervisors and certified by the California Coastal Commission, which gives Los Angeles County coastal permitting authority for the Santa Monica Mountains Coastal Zone of which this parcel is located within. With the passage of the Local Coastal Program, the subject property was rezoned to R-C-20000 from R-1-10000, which had been the underlying zone since 1957.
- There is no history of enforcement cases at this site.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 4 Exemption, Minor Alterations to Land) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The impacts to the oak trees are limited to the removal of one oak tree and the encroachment into the protected zone of two other oak trees. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Rural Village land use category of the Santa Monica Mountains Land Use Plan (SMMLUP). This designation is principally intended for low-density single-family detached homes and as such improvements to the existing single-family home are consistent with the Rural Village land use designation. A single-

family residence is a principal permitted use; therefore, the encroachment into the air space of two oak trees by the addition to the existing residence and the removal of an oak tree that may fall on the residence is consistent with the SMMLUP.

The following policies of the Santa Monica Mountains Land Use Plan are applicable to the proposed project:

- *LU-24: The maximum number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures such as detached garage, (et. seq.) provided that all such structures are located within the approved building site area and structures are clustered to minimize required fuel modification.*

The subject property has one main residence and one detached garage. The proposed additions to the single-family residence are minor and have an insignificant impact to the approved building site area.

- *LU-25: Additions and improvements to lawfully established uses or structures may be permitted provided that the additions and improvements comply with current LCP policies and standards and do not increase any existing inconsistencies.*

The existing single-family residence is a lawfully established use and the proposed additions comply with applicable LCP policies and standards.

Zoning Ordinance and Development Standards Compliance **Santa Monica Mountains Local Implementation Program**

Pursuant to Section 22.44.820.A of the County Code, improvements to an existing lawfully established single-family residence are exempt from the provisions of the Santa Monica Mountains Local Implementation Program (LIP). Subsection 22.44.820.A.b. states that the exemption shall not apply to projects that involve a risk of adverse environmental impact. The proposed project does not meet any of the definitions of adverse environmental impact as listed in subsection 22.44.820.A.b. Therefore, as the proposed project is an improvement to an existing lawfully established single-family residence that does not involve a risk of adverse environmental impact then it is exempt from the provisions of the LIP. In addition, on February 13, 2014, The California Coastal Commission issued an exemption letter stating that staff of the Coastal Commission has reviewed the project and has determined that a coastal development permit (CDP) is not necessary. As the proposed project is exempt from the provisions of the LIP and as the California Coastal Commission has issued an exemption letter, the proposed project does not require a CDP for approval. The project is located in the Rural Coastal (R-C) Zone and single-family residences in the R-C zone are subject to R-1 Development Standards. The project is exempt from the LIP, but is consistent with all R-C/R-1 development standards and the approvals to the additions to the single-family residence shall be processed through a Site Plan Review.

Oak Tree Permit

The addition to the single-family residence is exempt from a Coastal Development Permit, but the encroachments and removal is subject to an oak tree permit. Pursuant to Section 22.56.2060 of the County Code, a person shall not cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any qualified oak tree on any lot or parcel of land within the unincorporated area of Los Angeles County, unless an oak tree permit is first obtained as provided by Part 16 of Chapter 22.56 of the County Code.

As part of the Oak Tree Permit requested for this project, the applicant has provided an Oak Tree Report by a certified arborist. The report states that Tree Number 220, the oak tree requested for removal, leans over the existing residence and the canopy is unbalanced with all of the foliage concentrated at the top of the tree and the tree will continue to grow to the west over the residence, requiring continual pruning to maintain clearance over the roof. The report also states that the tree poses a long term threat of failure onto the structure and is therefore recommended to be removed due to the level of risk. The report states that the proposed construction will encroach into the edge of the dripline of two additional oaks, Trees Number 218 and 221, but that the proposed work is not expected to impose any significant impacts to these oaks.

Pursuant to Section 22.56.2180 of the County Code, the removed oak tree shall be replaced by two indigenous oak trees of at least a 15-gallon size and shall measure at least one inch in diameter one foot above the base. The applicant has agreed to these terms and the placement of the proposed two mitigation oak trees are depicted on the site plan.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.2100 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The subject property is developed as a single-family residence located in the residential portion of the Fernwood Rural Village. The surrounding neighborhood is developed with single-family homes with oak trees throughout most of the properties. There are six oak trees on the subject property. Five will remain and only one will be removed as it poses a potential long term threat to the home. However, two oak trees will be planted in its place. The encroachments into the air space of the two oak trees are not expected to have a significant impact on the trees. As the impact to the oak trees of the subject property is mitigated and as the improvements to the house are minor, the property and its home will remain compatible with the neighborhood.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The County of Los Angeles Forester and Fire Warden reviewed the project and verified the accuracy and completeness of the Oak Tree Report. In their letter, dated September 30, 2014 and attached to this report, The Forester has issued a grant, allowing the

removal of one oak tree and the encroachment into the protected zone of two other oak trees as specified in the Oak Tree Report with conditions, including the planting of two mitigation trees.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.56.2130 of the County Code, the community was appropriately notified of the public hearing by newspaper, mail to the courtesy list, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments from the public at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2014-00024, Oak Tree Permit Number 201400001, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I, THE HEARING OFFICER, APPROVE OAK TREE PERMIT NUMBER 201400001 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Shaun Temple, Regional Planning Assistant II, Zoning Permits West
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Forester's Letter, Emergency Oak Tree Permit
California Coastal Commission Exemption Letter
Site Plan, Oak Tree Report, Site Photographs

MKK:sct
December 3, 2014

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00024-(3)
OAK TREE PERMIT NO. 201400001**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Oak Tree Permit No. 201400001 ("CUP") on December 16, 2014.
2. The permittee, Doug and Brooke Freund ("permittee"), requests the Oak Tree Permit to authorize the removal of one oak tree and the encroachment into the protected zones of two other oak trees in conjunction with improvements to an existing single-family residence ("Project") on a property located at 21590 Encina Road in the unincorporated community of Topanga ("Project Site") pursuant to Los Angeles County Code ("County Code") section 22.56.2060.
3. The Project Site is 15,210 gross square feet (14,010 net square feet) in size and consists of one legal lot. The Project Site is irregular in shape with slopping topography and is developed with a single-family residence.
4. The Project Site is located in the Malibu Zoned District and is currently zoned Rural Coastal (R-C-20000)(One Dwelling Unit per 20,000 square feet).
5. The Project Site is located within the Rural Village land use category of the Santa Monica Mountains Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius is Rural Coastal (R-C-20000)(One Dwelling Unit per 20,000 square feet) in all directions.
7. Surrounding land uses within a 500-foot radius include single-family residences in all directions.
8. The property has been developed with a single-family residence since 1977. In 2002, Plot Plan 47798 was approved for a 123SF addition to the home. In 2007, Zoning Conformance Review 2007-01904 was approved for a new swimming pool, spa, and pool equipment area. In 2014, the Santa Monica Mountain Local Coastal Program was adopted by the Los Angeles County Board of Supervisors and certified by the California Coastal Commission, which gives Los Angeles County coastal permitting authority for the Santa Monica Mountains Coastal Zone of which this parcel is located within. With the passage of the Local Coastal Program, the subject property was rezoned to R-C-20000 from R-1-10000, which had been the underlying zone since 1957.
9. The Project is exempt from the provision of the Santa Monica Mountains Local Implementation Program per County Code Section 22.44.820.A. as it is an improvement to an existing lawfully established single-family residence and does not involve a risk of adverse environmental impact.

10. An emergency oak tree permit was issued by Forestry Division for weight reduction and pruning for four of the oak trees on the property on June 18, 2012
11. The site plan depicts the Project Site with an existing 2,560SF single-family residence located in the south-west portion of the property. A detached garage is located to the east of the house going up a slope toward Encina Road. Six oak trees are located between the house and the detached garage. The proposed improvements are located on the east side of the home. The improvements include a proposed new roof addition and remodel, a proposed entry porch, and a proposed wood deck. The protected zone of the oak trees is shown through a dashed line. As can be seen on the site plan, the proposed work encroaches into the protected zone of the oak trees. The two 15-gallon mitigation oak trees are shown on the south portion of the oak tree cluster, depicted by dotted lines.
12. The Project Site is accessible via Encina Road.
13. One detached two-car garage provides the required covered parking for the single-family residence.
14. The County of Los Angeles Forester and Fire Warden reviewed the project and verified the accuracy and completeness of the Oak Tree Report. In their letter, dated September 30, 2014, the Forester has issued a grant, allowing the removal of one oak tree and the encroachment into the protected zone of two other oak trees as specified in the Oak Tree Report with conditions, which are included in the Project's conditions.
15. The Project is exempt under Class 4, Minor Alterations to Land, categorical exemption pursuant to the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the impacts to the oak trees are limited to the encroachment into the protected zone of two oak trees and the removal of one oak tree, which will be replaced by two mitigation oak trees.
16. Pursuant to the provisions of section 22.56.2130 of the Zoning Code, the community was appropriately notified of the Project's public hearings by newspaper, mail to the courtesy list, library posting and DRP website posting.
17. Staff has not received any comments from the public.
18. [Reserved for Hearing Proceedings]
19. The Hearing Officer finds that the improvements to a single-family residence resulting in the removal of one oak tree and the encroachment into the protected zone of two other oak trees is a use and activity consistent within the Rural Village land use category of the Santa Monica Mountains Land Use Plan.

20. The Hearing Officer finds that the Project is exempt from the provisions of the Santa Monica Mountains Local Implementation Program per County Code Section 22.44.820.A and that the replacement of two mitigation oak trees for the one oak tree removed satisfies the requirement of County Code Section 22.56.2180 for an oak tree removal and therefore the project is consistent with the Zoning Code.
21. The Hearing Officer finds that approval of this Oak Tree Permit, requiring adherence to the conditions of this permit, as well as the Forester's conditions, will ensure that the proposed improvements will be accomplished without endangering the health of the five oak trees not to be removed.
22. The Hearing Officer finds that pursuant to County Code Section 22.56.2140, a copy of the applicant's oak tree report as required by Section 22.56.2090 was sent to the County Forester to review the accuracy of the statements contained therein, and to inspect the project site. The County Forester concurred with the oak tree report submitted by the applicant, which was completed by a certified arborist, and supports the approval of the Oak Tree Permit, subject to conditions. Therefore, the proposed construction of the proposed improvements and the proposed removal of the subject oak tree will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.
23. The Hearing Officer finds that pursuant to the oak tree report submitted by the applicant and verified by the County Forester that the oak tree requested for removal, tree 220, leans over the existing residence and the canopy is unbalanced with all of the foliage concentrated at the top of the tree and the tree will continue to grow over the residence posing a long term threat of failure onto the structure. Therefore, the oak tree proposed for removal with reference to danger of falling is such that it cannot be remedied through reasonable preservation procedures and practices.
24. The Hearing Officer finds that pursuant to County Code Section 22.56.2180, the removed oak tree shall be replaced by two indigenous oak trees of at least a 15-gallon size and shall measure at least one inch in diameter one foot above the base. Therefore, the proposed removal of the oak tree is not contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.
25. The Hearing Officer finds that pursuant to County Code Section 22.56.2130, the community was properly notified of the public hearing by newspaper and mailings to the Malibu Zoned District and the oak tree courtesy lists. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of Topanga community. On November 5, 2014, a total of 20 Notices of Public Hearing were mailed to all listees as identified on the Malibu Zoned District and oak tree courtesy lists.
26. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of

such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. That the proposed use with the attached conditions will be consistent with the adopted General Plan and the Santa Monica Mountains Local Coastal Plan.
- B. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, if any, on the subject property.
- C. That the removal or relocation of the oak tree proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.
- D. That the oak tree proposed for removal, with reference to danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices.
- E. That the removal of the oak tree proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15304 of the State CEQA Guidelines (Class 4, Minor Alterations to Land categorical exemption); and
- 2. Approves Oak Tree Permit 201400001, subject to the attached conditions.

ACTION DATE: December 16, 2014

MKK:sct
12/3/2014

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-00024-(3)
OAK TREE PERMIT NO. 201400001**

PROJECT DESCRIPTION

The project is a request for an Oak Tree Permit to authorize the removal of one oak tree and the encroachment into the protected zone of two other oak trees in conjunction with improvements to an existing single-family residence, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
10. If inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

PERMIT SPECIFIC CONDITIONS – OAK TREE PERMIT

17. This permit shall not be effective until a site plan is approved for the improvements to the single-family residence to include the reframing on the existing roof, an interior remodel and the additions of a main level deck and front entry porch, demonstrating the need to removal of oak tree 220 and the encroachment into the protected zones of oak trees 218 and 221.
18. The permittee shall comply with all conditions and requirements contained in the County of Los Angeles Forester and Fire Warden, Forestry Division, letter dated September 30, 2014 (attached hereto), to the satisfaction of said Division, except as otherwise required by said Division.
19. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of two (2) trees. The permittee shall plant one healthy acorn of the same species of oak (*Quercus agrifolia*) as the tree removed for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
20. All replacement trees shall be planted on native undisturbed soil and shall be the same species of oak (*Quercus agrifolia*) as the removed tree. The location of the

replacement tree shall be in the vicinity of other oak trees of the same species. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.

21. When replacement trees are planted on disturbed soil or are not in the vicinity of the same species of oak (*Quercus agrifolia*) as the removed tree, planting shall incorporate a mycorrhizal product, either as amendment or in the first two irrigations or watering of planted trees (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting zones.

Attachments:

Forester and Fire Warden Department Letter dated September 30, 2014
Oak Trees: Care and Maintenance Guide



OAK TREE PERMIT BURDEN OF PROOF

Please identify the number of oak trees proposed for:

1 Removal 2 Encroachment 5 To Remain 6 Total existing oak trees

Pursuant to Zoning Code Section 22.56.2100, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, if any, on the subject property.

Per the arborist's report, the proposed project will not have any adverse impact upon the trees in the vicinity of the work.

B. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.

The forester has inspected the tree and approved its removal.

C. That in addition to the above facts, at least one of the following findings must apply:

1. That the removal of oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:

- a. Alternate development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
- b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or

2. That the oak tree(s) proposed for removal or relocation interfere with utility service or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s), or

3. That the oak tree(s) proposed for removal, with reference to seriously debilitating disease or danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices.

The oak tree continues to grow over and lean over the existing home with all the foliage concentrated at the top causing the the canopy to be unbalanced. the oak tree poses a long term threat of failure onto the structure.

D. That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

two oak trees will be planted on the property to replace the one oak tree removed.



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-4330

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

September 30, 2014

Shaun Temple, Planner
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Temple:

OAK TREE PERMIT NUMBER 2014-00001
PROJECT NUMBER R2014-00024
21590 ENCINA ROAD, TOPANGA

We have reviewed the "Request for Oak Tree Permit #2014-00001." The project is located at 21590 Encina Road in the unincorporated area of Topanga. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Kay J. Greeley, the consulting arborist, dated December 19, 2013 and revised April 7, 2014.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of \$300. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CARSON	DUARTE	HUNTINGTON PARK	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CERRITOS	EL MONTE	INDUSTRY	LAKewood	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CLAREMONT	GARDENA	INGLEWOOD	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	COMMERCE	GLENORA	IRVINDALE	LAWDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	CUDAHY	HAWTHORNE	LA HABRA	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
BRADBURY							WHITTIER

inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and two (2) subsequent inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division, stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact, as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
5. The permittee shall install temporary chainlink fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site, as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval, shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan and conditions of approval.

PERMITTED OAK TREE REMOVAL AND ENCROACHMENT:

7. This grant allows the removal of one (1) tree of the Oak genus (*Quercus agrifolia*) identified as Tree Number 220 on the applicant's site plan and Oak Tree Report. This grant allows encroachment within the protected zone of two (2) trees of the Oak genus identified as Tree Number 218 and 221 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved and treated as recommended by the consulting arborist.
 8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and
-

stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.

9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of two (2) trees. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified above that dies as a result of the approved encroachments.
11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia, grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

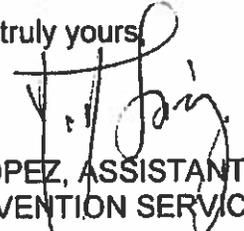
NON-PERMITTED ACTIONS AND VIOLATIONS:

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.
17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division, for all enforcement efforts necessary to bring the subject property into compliance.

To schedule an inspection with a County Forester, please contact the Environmental Review Unit at (818) 890-5719.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,


J. LOPEZ, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JL:jl

Enclosure



COUNTY OF LOS ANGELES FIRE DEPARTMENT
FORESTRY DIVISION

EMERGENCY OAK TREE PERMIT

APPLICANT

Legal Owner: Biooke Freund

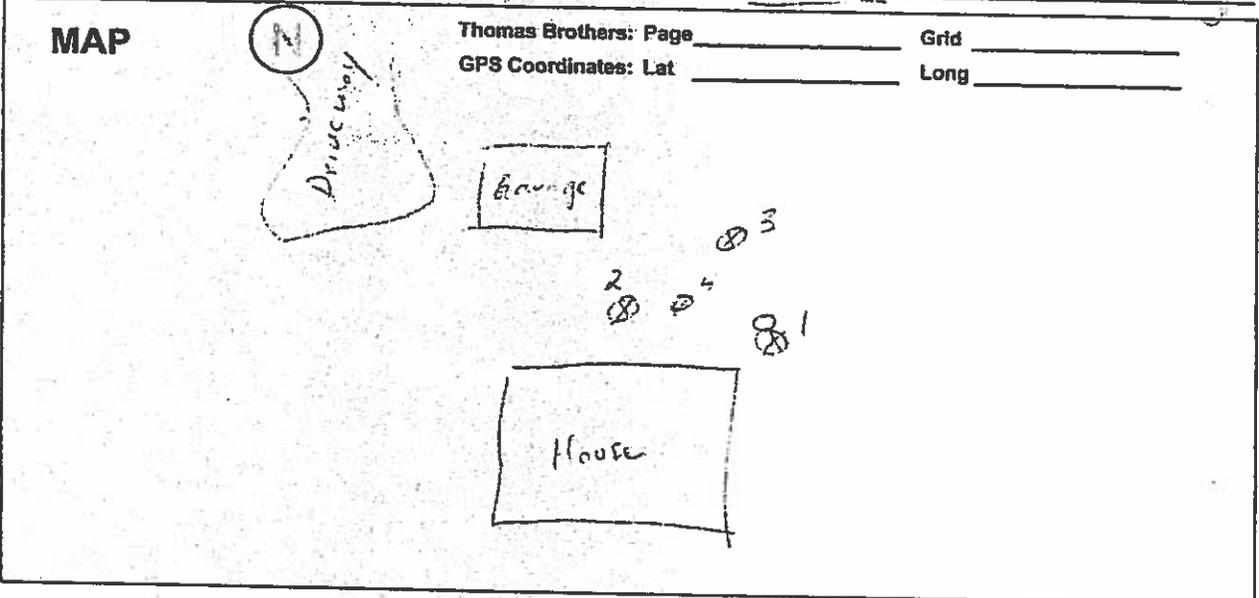
Responsible Agent: _____

Address: 21590 ENCINA TOPANGA

HAZARDOUS TREE

Species	DBH	Height	Canopy	Hazard
1 <u>Q. Agrifolia</u>	<u>22-14"</u>	<u>60</u>	<u>40x50</u>	<u>Severe lean over house</u>
2 <u>Q. Agrifolia</u>	<u>24"</u>	<u>60</u>	<u>30x50</u>	<u>Wet wood fungus</u>
3 <u>Q. Agrifolia</u>	<u>18"</u>	<u>40</u>	<u>20x30</u>	<u>Remove one 8" limb</u>
4 <u>Q. Agrifolia</u>	<u>12"</u>	<u>40</u>	<u>20x10</u>	<u>Severe leaning weight reduction</u>

Emergency Justification: Tree # 1 Severe lean over house roots cut on one side old failure at base weight reduction up to full row-out. Tree # 2 heavy lean, wet wood fungus in tree canopy weight reduction by reduce limb. Tree # 3 remove one 8" limb with rot Tree # 4 Severe leaning weight reduction



EMERGENCY AUTHORIZATION

I, Biooke Freund, am the legal owner or responsible agent for the property described and do assume all responsibility for the removal of the hazardous oak tree(s) described herein.

Legal Owner or Responsible Agent _____ Date _____

Forestry Division Representative [Signature] Date 1/2/12

It is improper and illegal for any County officer, employee or inspector to solicit bribes, gifts or gratuities in connection with performing their official duties. Improper solicitation includes requests for anything of value including cash, discounts, free services, paid travel or entertainment, or tangible items such as food or beverages. Any attempt by a County employee to solicit bribes, gifts or gratuities should be reported immediately to either the County manager responsible for supervising the employee or the Fraud Hotline at (800) 544-6861 or www.lacountyfraud.org. YOU MAY REMAIN ANONYMOUS.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
19 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 383-1800

EXEMPTION LETTER4-14-0056-X

DATE: February 13, 2014

NAME: Douglas and Brooke Freund

AGENT: Shelley Coulson

LOCATION: 21590 Encina Road, Topanga
Los Angeles County
APN 4445-013-035

PROJECT: Remodel and addition of: 1) 367 square feet to an existing 2,310 square foot, single family residence (constructed prior to the effective date of the Coastal Act) including the conversion of two existing first floor bedrooms to a living room and study, enclosure of the existing entry door nook (adding 18 square feet); creation of a second floor master bedroom suite by converting second floor attic space into habitable space and adding 349 square feet; 2) a 226 square foot covered front entry porch; and 3) a 165 square foot uncovered wood deck off the remodeled living room. The habitable area will not extend beyond the footprint of the existing house consequently no grading or vegetation removal is proposed. In addition, as no new fixtures are proposed, no work on the existing septic system is required. The revised habitable square footage of the residence totals 2,677 square feet.

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below.

- The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.
- The proposed development is included in Categorical Exclusion No. _____ adopted by the California Coastal Commission.
- The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities (Section 30610(d) of Coastal Act).
- The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code.
- The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach

(whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).

- ___ The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).
- ___ The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).
- ___ The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).
- ___ The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).
- ___ Other:

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Sincerely,



Stefanie Edmondson, AICP
Coastal Program Analyst



PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4

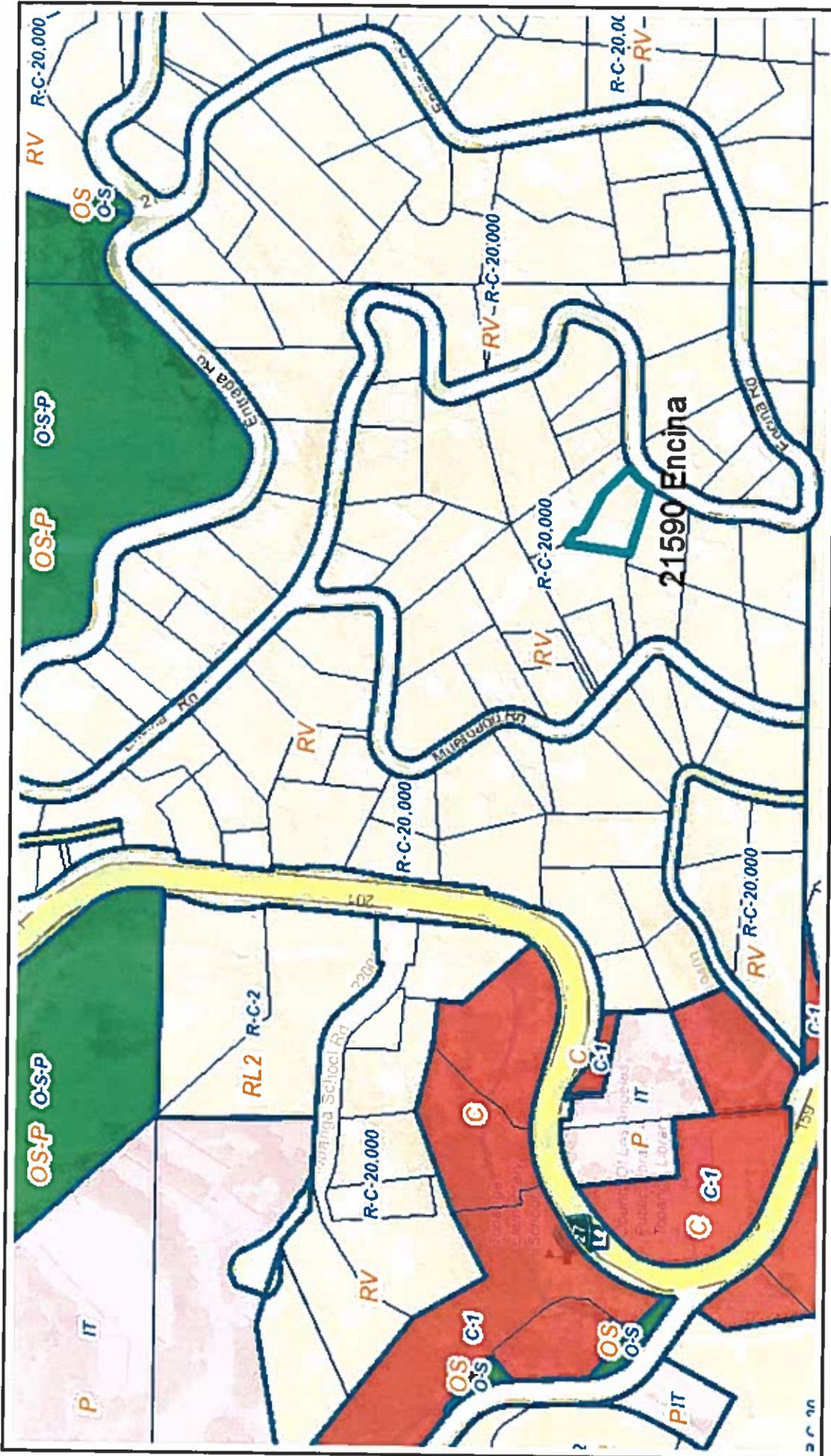


PHOTO 5



PHOTO 6

FREUND RESIDENCE - 21590 ENCINA RD.



21590 Encina Road Land Use & Zoning

Printed: Nov 24, 2014

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